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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,301	11/19/2001	Yves Audebert	L741.01109	8432

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EXAMINER

CERVETTI, DAVID GARCIA

ART UNIT	PAPER NUMBER
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2136

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/988,301

Applicant(s)

AUDEBERT ET AL.

Examiner

David G. Cervetti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/19/01, 4/26/04, 3/18/05

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-14 are pending and have been examined.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 120 (fig 1B), 432, 440, 442 (fig 4). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: "API" (page 2, line12). While well known in the art, these terms have not been defined.

Claim Objections

4. Claim 1 is objected to because of the following informalities: "PSD" must be spelled out. Appropriate correction is required.

5. Claim 11 is objected to because of the following informalities: "PIN" must be spelled out. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "said memory" in line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrendoerfer et al. (US Patent Number 6,481,621, hereinafter "Herrendoerfer "), and further in view of Brown et al. (US Patent Number 5,941,947, hereinafter "Brown").**

Regarding claim 1, Herrendoerfer teaches a client including at least data storage means, data processing means, cryptography means, and an I/O port for functionally connecting to a PSD, wherein (column 5, lines 15-63); said data processing means includes means for allocating and reserving storage space in said data storage means of said client for use as a memory cache (column 5, lines 1-20); said data processing means further includes a cache server program for managing data stored inside said PSD, wherein said cache server program is assigned exclusive rights to said assigned I/O port and said memory cache (column 2, lines 45-67, column 3, lines 1-60) and includes means for: transferring at least a portion of said data stored inside said PSD to said memory cache (column 5, lines 1-20); and transferring at least a portion of said cached data to said at least one requesting program (column 5, lines 1-20).

Herrendoerfer does not expressly disclose retaining/verifying access rights to the data.

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However, Brown teaches caching access rights (column 7, lines 60-67, column 8, lines 1-14). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to cache (retain) access rights to use for verification purposes within the system of Herrendoerfer. One of ordinary skill in the art would have been motivated to do so to provide means for rapidly determining access rights to data (Brown, column 3, lines 25-45).

Regarding claim 9, Herrendoerfer teaches functionally connecting a PSD including at least some data to a client, wherein said client includes at least data storage means, data processing means, cryptography means, and an I/O port (column 5, lines 15-63), executing a cache server program in said client (column 2, lines 45-67, column 3, lines 1-60), allocating storage space in said data storage means for use in caching said at least some data in a memory cache (column 5, lines 1-20), accessing said PSD through said I/O port by said cache server program (column 5, lines 1-20), transferring said at least some data from said PSD to said memory cache (column 5, lines 1-20), transferring at least a portion of said cached data to said at least one requesting program (column 5, lines 1-20). Herrendoerfer does not expressly disclose retaining/verifying access rights to the data. However, Brown teaches caching access rights (column 7, lines 60-67, column 8, lines 1-14). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to cache (retain) access rights to use for verification purposes within the system of Herrendoerfer. One of ordinary skill in the art would have been motivated to do so to

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provide means for rapidly determining access rights to data (Brown, column 3, lines 25-45).

Regarding claim 2, the combination of Herrendoerfer and Brown teaches the limitations as set forth under claim 1 above. Furthermore, Herrendoerfer teaches wherein said cache server program cryptographically protects said data transferred from said PSD to said memory cache using said cryptography means (column 5, lines 15-63).

Regarding claim 3, the combination of Herrendoerfer and Brown teaches the limitations as set forth under claim 1 above. Furthermore, Herrendoerfer teaches wherein said cache server program removes said cryptographic protection from said data being transferred to said at least one requesting program (column 5, lines 15-63).

Regarding claim 10, the combination of Herrendoerfer and Brown teaches the limitations as set forth under claim 9 above. Furthermore, Herrendoerfer teaches assigning exclusive rights to said I/O port and said memory cache to said cache server program (column 2, lines 45-67, column 3, lines 1-60), cryptographically protecting said data transferred from said PSD to said memory cache (column 5, lines 15-63), removing said cryptographic protection from said data transferred to said at least one requesting program (column 5, lines 15-63).

Regarding claims 4 and 12, the combination of Herrendoerfer and Brown teaches the limitations as set forth under claims 1 and 10 respectively above. Furthermore, Brown teaches wherein said memory cached is flushed upon a status change (column 28, lines 45-65).

Regarding claims 5 and 13, the combination of Herrendoerfer and Brown does not expressly disclose releasing the exclusive rights upon a status change. However, Examiner takes Official Notice that releasing exclusive rights to resources upon status changes was conventional and well known; i.e. releasing exclusive rights a file system holds on a file upon a status change (file deletion) was well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to release exclusive rights to an assigned I/O port and a memory cache since Examiner takes Official Notice that it was conventional and well known.

Regarding claims 6 and 14, the combination of Herrendoerfer and Brown teaches the limitations as set forth under claims 4 and 12 respectively above. Furthermore, Brown teaches wherein said status change includes logout of an end user, attempted login of a second end user, rebooting of said client or upon encountering an error situation (column 28, lines 45-65). Furthermore, it was conventional and well known for cache algorithms/implementations to flush the cache when some time has elapsed, rebooting, logout of users, attempted logins, errors, fatal errors.

Regarding claim 7, the combination of Herrendoerfer and Brown does not expressly disclose wherein said cache server program is executed following successful end user validation by said PSD. However, Examiner takes Official Notice that authenticating users prior to them accessing data stored in a PSD was conventional and well known. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to validate users prior to cache server accessing PSD since Examiner takes Official Notice that it was conventional and well known.

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Regarding claim 8, the combination of Herrendoerfer and Brown teaches the limitations as set forth under claim 1 above. Furthermore, Brown teaches where said memory is volatile memory (column 28, lines 29-65).

Regarding claim 11, the combination of Herrendoerfer and Brown does not expressly disclose wherein said cache server program is executed following successful PIN validation by said PSD. However, Examiner takes Official Notice that authenticating users prior to them accessing data stored in a PSD was conventional and well known. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to validate users prior to cache server accessing PSD since Examiner takes Official Notice that it was conventional and well known.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David G. Cervetti whose telephone number is (571) 272-5861. The examiner can normally be reached on Monday-Friday 7:00 am - 5:00 pm, off on Wednesday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DGC

Cell
Primary Examiner
AV2131
9/18/05